

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sara Griffin	Team: Squad #5	CCRB Case #: 201800747	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 01/25/2018 11:00 AM	Location of Incident: § 87(2)(b)	Precinct: 52	18 Mo. SOL 7/25/2019	EO SOL 7/25/2019	
Date/Time CV Reported Mon, 01/29/2018 11:35 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 01/29/2018 11:35 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Bryan Pocalyko	01356	935525	INT OAS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Anthony Caltabiano	07499	948733	052 DET
2. DT1 Sergio Lovera	04113	897900	052 DET

Officer(s)	Allegation	Investigator Recommendation
A.SGT Bryan Pocalyko	Abuse: Sergeant Bryan Pocalyko threatened to arrest § 87(2)(b)	§ 87(2)(b)
B.SGT Bryan Pocalyko	Abuse: Sergeant Bryan Pocalyko threatened to arrest § 87(2)(b)	§ 87(2)(b)
C.SGT Bryan Pocalyko	Abuse: Sergeant Bryan Pocalyko entered § 87(2)(b) § 87(2)(b) in the Bronx.	§ 87(2)(b)
D.SGT Bryan Pocalyko	Abuse: Sergeant Bryan Pocalyko refused to provide his name to § 87(2)(b)	§ 87(2)(b)

Case Summary

On January 29, 2018, § 87(2)(b) filed the following complaint with the CCRB via telephone. On January 25, 2018, at approximately 11 AM, Sergeant Brian Pocalyko of the Intelligence Criminal Section allegedly threatened to arrest § 87(2)(b) and her father-in-law, § 87(2)(b) (**Allegations A and B: Abuse of Authority**, § 87(2)(g) § 87(2)(b) asked Sgt. Pocalyko to leave her apartment multiple times and he allegedly refused (**Allegation C: Abuse of Authority**, § 87(2)(g) § 87(2)(b) asked Sgt. Pocalyko for his name so she could write it down and Sgt. Pocalyko allegedly left the apartment before providing his name to § 87(2)(b) (**Allegation D: Abuse of Authority**, § 87(2)(g) No arrests were affected nor summonses issued.

There is no known video footage of the incident.

Findings and Recommendations

Allegation A: Sergeant Bryan Pocalyko threatened to arrest § 87(2)(b)

Allegation B: Sergeant Bryan Pocalyko threatened to arrest § 87(2)(b)

Allegation C: Sergeant Bryan Pocalyko entered § 87(2)(b), **in the Bronx.**

Allegation D: Sergeant Bryan Pocalyko refused to provide his name to § 87(2)(b)

It is undisputed that Sgt. Pocalyko went to § 87(2)(b)'s apartment with the intention to search the apartment for a firearm that was believed to have been used the day prior by § 87(2)(b)'s son, Patrick Moore. Sgt. Pocalyko was accompanied by Police Officer Anthony Caltabiano and Detective Sergio Lovera of the 52nd Detective Squad. Upon arrival to § 87(2)(b)'s apartment, it is disputed whether § 87(2)(b) or § 87(2)(b) initially opened the front door. It is undisputed that Sgt. Pocalyko spoke to § 87(2)(b) at the front door and explained the reason for the visit. It is undisputed that § 87(2)(b) allowed all three officers into her residence. It is undisputed that Sgt. Pocalyko conversed with § 87(2)(b) and requested to search her apartment for the firearm. It is undisputed that § 87(2)(b) did not consent to the search and requested that Sgt. Pocalyko obtain a search warrant. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)'s testimony (Board Review 1) is as follows. § 87(2)(b) heard a knock on the front door. When § 87(2)(b) got to the front door, § 87(2)(b) had answered it and was speaking to three men. Once § 87(2)(b) got to the door, § 87(2)(b) walked back to the living room. After § 87(2)(b) let the officers into her residence, Sgt. Pocalyko stated that he needed to search the apartment for a firearm. Sgt. Pocalyko held out a piece of paper that was of regular legal size. § 87(2)(b) inquired if the paper was a warrant. Sgt. Pocalyko replied that it was not a warrant. § 87(2)(b) asked to see the paper and Sgt. Pocalyko refused. § 87(2)(b) told Sgt. Pocalyko to get a warrant and come back. Sgt. Pocalyko told § 87(2)(b) that if she did not let the officers search the apartment that he would take § 87(2)(b) and § 87(2)(b) to jail. § 87(2)(b) requested the officers leave the apartment. Sgt. Pocalyko refused to leave. § 87(2)(b) estimated that she asked

approximately 20 times for the officers to leave. § 87(2)(b) asked Sgt. Pocalyko and another officer for their name. Both officers provided their names. On the way out, § 87(2)(b) asked Sgt. Pocalyko again for his name so she could write it down. Sgt. Pocalyko nodded his head and appeared to acknowledge the request. The officers exited the apartment and Sgt. Pocalyko did not provide his name a second time for § 87(2)(b) to write down.

Sgt. Pocalyko's testimony (Board Review 2) is as follows. Sgt. Pocalyko knocked on the front door and § 87(2)(b) answered and invited the officers inside. Sgt. Pocalyko explained the reason for the visit and asked for consent to search the apartment. § 87(2)(b) refused and instructed Sgt. Pocalyko to obtain a search warrant. While speaking to § 87(2)(b) Sgt. Pocalyko did observe § 87(2)(b) sitting approximately 10 feet away in a chair watching television. Sgt. Pocalyko denied threatening to arrest § 87(2)(b) or § 87(2)(b) and stated that arrest was never a topic of conversation nor was there anything for which § 87(2)(b) or § 87(2)(b) could have been arrested. After § 87(2)(b)'s instruction, Sgt. Pocalyko, Det. Lovera, and PO Caltabiano exited the apartment. Sgt. Pocalyko did not remember § 87(2)(b) specifically requesting the officers to leave the apartment. Sgt. Pocalyko denied that the officers remained in the apartment for a period after § 87(2)(b) instructed them to get a search warrant. On the way out of the apartment, § 87(2)(b) asked for Sgt. Pocalyko's name, which he verbally provided to her. Sgt. Pocalyko denied § 87(2)(b) asked to write his name down.

Det. Lovera and PO Caltabiano (Board Review 3 and 4) both testified that they remained in the hallway of the apartment, while Sgt. Pocalyko spoke to § 87(2)(b) in the living room. § 87(2)(b) instructed Sgt. Pocalyko to obtain a search warrant. Det. Lovera recalled § 87(2)(b) asking the officers to leave the apartment one time, while PO Caltabiano did not remember hearing § 87(2)(b) request the officers to leave. Both officers denied hearing Sgt. Pocalyko threaten to arrest § 87(2)(b) or § 87(2)(b). Det. Lovera did not remember while PO Caltabiano did not hear if § 87(2)(b) requested to write down Sgt. Pocalyko's name. Both officers were consistent that they left the apartment immediately after § 87(2)(b) requested the officers obtain a search warrant.

In § 87(2)(b)'s telephone statement (Board Review 5), he acknowledged initially opening the front door. After § 87(2)(b) got to the door, § 87(2)(b) walked back to his bedroom. § 87(2)(b) did not hear the conversation between the officers and § 87(2)(b).

There are no additional witnesses, and there is no video footage of the incident (Board Review 6).

§ 87(2)(g)
[REDACTED]

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s first CCRB complaint (Board Review 7).
- This is § 87(2)(b)'s first CCRB complaint (Board Review 8).

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- Sgt. Pocalyko has been a member of the NYPD for 13 years and is the subject of four prior complaints involving 14 allegations. In case #201114512, a frisk and stop allegation were substantiated and The Board recommended Command Discipline. The NYPD implemented Instructions. In case #201206745, a vehicle search allegation was substantiated and The Board recommended Charges. Sgt. Pocalyko was found guilty at APU trial and the NYPD's penalty was Reprimand. § 87(2)(g) (Board Review 9).

Mediation, Civil and Criminal Histories

- § 87(2)(b) and § 87(2)(b) rejected mediation, § 87(2)(b) again.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As of February 20, 2018, no notice of claim has been filed by § 87(2)(b) with the City of New York's Comptroller Office (Board Review 12).

Squad No.: _____

Investigator:	_____ Signature	_____ Print Title & Name	_____ Date
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Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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